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Attorneys for Applicant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
NICHOLAS MISKOPA POPOALII,)
)
Defendant.)

No. CR 08-118 MMC

ORDER DENYING

STIPULATION AND [PROPOSED]
ORDER CHANGING DATE OF
SENTENCING

Current Date: December 9, 2009
Current Time: 2:30 p.m.

~~Proposed Date: December 16, 2009~~
~~Proposed Time: 2:30 p.m.~~

Defendant Nicholas Popoalii, by and through his counsel, Edward W. Swanson, and the United States, by and through Assistant United States Attorney Tarek J. Helou, hereby stipulate to continue the defendant's sentencing hearing, currently scheduled for December 9, 2009 at 2:30 p.m., until December 16, 2009 at 2:30 p.m. Counsel for the United States is unexpectedly unavailable on December 9, 2009. Counsel for the United States spoke with U.S. Probation Officer J.D. Woods about changing the date of the defendant's sentencing. Officer Woods stated that he has no objection to the requested change.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: November 4, 2009

/s/
TAREK J. HELOU
Assistant United States Attorney

DATED: November 4, 2009

/s/
EDWARD SWANSON
AUGUST GUGELMANN
Attorney for Defendant NICHOLAS POPOALII

~~For the reasons stated above, the Court hereby continues the defendant's sentencing, currently set for December 9, 2009 at 2:30 p.m., until December 16, 2009 at 2:30 p.m.~~

Given the number of matters currently scheduled for December 16, 2009, the Court's calendar will not accommodate this sentencing on that date. Accordingly, the request to continue is hereby DENIED.

If counsel for the United States cannot arrange for another attorney from his office to appear for him on December 9, 2009, counsel shall file a renewed stipulation, advising the Court as to such circumstance and the reason(s) therefor, and proposing a suitable alternative date after consulting with the Clerk of the Court.

SO ORDERED.

DATED: November 6, 2009


THE HONORABLE MAXINE M. CHESNEY
United States District Judge

STIP. & [PROP.] ORDER CHANGE DATE
CASE NO. CR 08-118 MMC